

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1066

Introduced by Assembly Member Mendoza
(Coauthors: Assembly Members Coto, Gaines, Huber, Solorio, and Villines)

February 27, 2009

An act to amend Section 4590 of the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1066, as amended, Mendoza. Forest practices: timber harvesting plans.

The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

This bill would instead provide that a timber harvesting plan is effective for a period of not more than ~~10~~ 5 years, unless extended as specified.

The act provides that a timber harvesting plan on which work been commenced, but not completed, may be extended by amendment for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met.

This bill would add to the requirements for this extension that the department finds that listed species have not been discovered since approval of the plan and significant physical changes to the harvest

area or adjacent areas have not occurred since the plan's cumulative impacts were originally assessed. However, the bill would allow an extension by amendment for up to a maximum of 4 additional one-year extensions, without meeting the new requirement, if the plan expired in 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4590 of the Public Resources Code is
2 amended to read:
3 4590. (a) (1) A timber harvesting plan is effective for a period
4 of not more than ~~10~~ 5 years, unless extended pursuant to paragraph
5 (2).
6 (2) A timber harvesting plan on which work has been
7 commenced, but not completed, may be extended by amendment
8 for a one-year period in order to complete the work, up to a
9 maximum of two one-year extensions, if ~~both~~ *all* of the following
10 occur:
11 (A) Good cause is shown.
12 (B) All timber operations are in conformance with the plan, this
13 chapter, and all applicable rules and regulations, upon the filing
14 of the notice of extension as required by this section.
15 (C) *The department finds both of the following:*
16 (i) *Listed species have not been discovered since approval of*
17 *the timber harvesting plan.*
18 (ii) *Significant physical changes to the harvest area or adjacent*
19 *areas have not occurred since the timber harvesting plan's*
20 *cumulative impacts were originally assessed.*
21 (b) The extension shall apply to any area covered by the plan
22 for which a report has not been submitted under Section 4585. The
23 notice of extension shall be provided to the department not sooner
24 than 30 days, but at least 10 days, prior to the expiration date of
25 the plan. The notice shall include the circumstances that prevented
26 a timely completion of the work under the plan and, consistent
27 with Section 4583, an agreement to comply with this chapter and
28 the rules and regulations of the board as they exist on the date the
29 extension notice is filed.

1 (c) Stocking work may continue for more than the effective
2 period of the plan under subdivision (a), but shall be completed
3 within five years after the conclusion of other work.

4 (d) *Notwithstanding paragraph (2) of subdivision (a), a timber*
5 *harvesting plan on which work has commenced, but not completed,*
6 *may be extended by amendment for up to a maximum of four*
7 *one-year extensions if the plan expired in 2009, and if the plan*
8 *complies with subparagraphs (A) and (B) of paragraph (2) of*
9 *subdivision (a) only.*